

REMARKS

A Request for Continued Examination (RCE) is filed concurrently herewith. Entry and reconsideration of the Amendment After Final of December 5, 2005 is respectfully requested.

STATUS OF THE CLAIMS

Claims 2-7, 9, 11-13, and 16-17 have been pending in the application.

Claims 2-7, 9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al. (U.S. 5,938,734), Ueno et al. (U.S. 6,438,596) and Kanazawa et al. (U.S. 6,580,870).

It is believed that claims 16 and 17 have not been rejected.

Claims 3, 9, 11, 12 and 13 were amended in the Amendment After final filed December 5, 2005 and claims 16 and 17 were cancelled without disclaimer or prejudice, entry of which is requested.

According to the foregoing, claims 3, 9 and 11-13 are further amended for clarity.

Thus, claims 2-7, 9, and 11-13 remain pending for reconsideration, which is respectfully requested.

No new matter has been added.

REJECTION

Claims 2-7, 9 and 11-13 are rejected under 35 USC 103(a) as being unpatentable over Yao (US Patent No. 5,938,734) in view of Ueno (US Patent No. 6,438,596) and Kanazawa (US Patent no. 6,580,870).

The independent claims are 3, 9, and 11-13.

It is believed that claims 16 and 17 were not rejected in the Final Office Action mailed September 6, 2005, and because the final Office Action did not provide a rejection rationale for dependent claims 16 and 17 (now cancelled), the Applicants submit that dependent claims 16 and 17 should be allowable over the prior art of record, including Yao, Ueno and Kanazawa. The independent claims 3, 9, and 11-13 have been amended, so the patentably distinguishing features of dependent claim 16, as further amended for clarity, are incorporated into independent claims 3 and 9, and the patentably distinguishing features of dependent claims 16-17, as further amended for clarity, are incorporated into independent claims 11-13.

The Advisory Action Continuation Sheet mailed December 20, 2005 alleges Ueno's "**communication-network-resources management control**" meets the claimed present invention's, "reproduction control unit." The Advisory Action Continuation Sheet alleges:

Ueno disclosed **communication-network-resources management control means** for managing communication resources of the communication means and for establishing a communication line between the data storage means and the reproduction means; **storage-resources management control means** for managing the kind of the real-time data stored data storage means, and for managing the number of real-time data being able to be transmitted by the data storage means at the same time, to determine one of the plurality of data storage means, by which a required real time data is to be transmitted; and service control means for accepting a demand for services from a user (col. 4, lines 32-50). One skilled in the art at the time of the invention can interpret the **communication-network-resources management control** as reproduction control unit. (emphasis added).

However, the claimed present invention does not recite only "**a reproduction control unit**," but in contrast to Ueno, claim 3 for example recites "**a reproduction control unit ... to control, over the network according to reproduction instructions, a display method** of displaying the stream information of the content to be reproduced **at the receiving device**, the **display method control related to one or more of display method control permission, or a display layout** comprising one or more of a display size or a display position, or **a reproduction speed, or an image quality** comprising one or more of a number of display colors, a lightness or a chroma, or **whether to superimpose the content with another content**."

It is readily apparent Ueno's **communication-network-resources management control means** and **storage-resources management control means**, which is relied upon by the Examiner, fails to disclose, either expressly or inherently, "**a reproduction control unit ... to control, over the network ... at the receiving device ... a display method ... related to one or more of display method control permission, or a display layout** comprising one or more of a display size or a display position, or **a reproduction speed, or an image quality** comprising one or more of a number of display colors, a lightness or a chroma, or **whether to superimpose the content with another content**."

MPEP 706.02(j) sets forth a guideline on the contents of a rejection under §103: "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must

be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 2143-2143.03 for decisions pertinent to each of these criteria." See also, MPEP 2142. Factual findings in support of a *prima facie* case of obviousness must be supported by substantial evidence. See generally, *In re Zurko*, 59 USPQ2d 1693, 1696 (Fed. Cir. 2001).

The Office Action fails to establish a *prima facie* case of obviousness, because the Advisory Action relies on Ueno to meet the claimed present invention's "**a reproduction control unit ... to control, over the network ... at the receiving device ... a display method ...** related to one or more of **display method control permission, or a display layout** comprising one or more of a display size or a display position, or **a reproduction speed, or an image quality** comprising one or more of a number of display colors, a lightness or a chroma, or **whether to superimpose the content with another** content." But Ueno column 4, lines 33-42 discusses only **reproduction means, communication-network-resources management control means** and **storage-resources management control means**. And Ueno expressly discusses the communication-network-resources management control means manages "**communication resources**" and "**establishing a communication line between the data storage means and the reproduction means**," which readily differs from the claimed present invention's "**a reproduction control unit ... to control, over the network ... at the receiving device ... a display method**." Ueno discusses a **reproduction means** that could correspond to the claimed present invention's "**receiving device**," but there is no suggestion or motivation, either in Yao (Yao discusses realizing a supply of real-time stream data with different data rates by a scheduling scheme using constant time-slot interval and transfer start timing period - Abstract, column 3) and Kanazawa (Kanazawa discloses to display a related Web page when reproducing a DVD, based on a URL table recorded on the DVD. Therefore, Kanazawa relates to a designation of external contents to be displayed - column 1, line 56 to column 2, line 32; column 8, lines 50-65 and column 20, lines 18-39) or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings "**to**

control, over the network ... at the receiving device ... a display method ... related to one or more of **display method control permission, or a display layout** comprising one or more of a display size or a display position, or **a reproduction speed, or an image quality** comprising one or more of a number of display colors, a lightness or a chroma, or **whether to superimpose the content with another content.**" In other words, Kanazawa's display of a related web page when reproducing a DVD readily differs from the claimed present invention's over the network control of a receiving device regarding "**display method control permission, or a display layout** comprising one or more of a display size or a display position, or **a reproduction speed, or an image quality** comprising one or more of a number of display colors, a lightness or a chroma, or **whether to superimpose the content with another content.**" A prima facie case of obviousness has not been established based upon Yao, Ueno and Kanazawa.

According to 37 CFR 1.104(b), the Examiner's answer must be complete as to all matters. It is respectfully requested a next Office Action, if any, expressly consider and answer all materials traversed in the Amendment After Final of December 5, 2005 and herein, including all the new limitations added to the independent claims in the Amendment After Final of December 5, 2005 (see MPEP 707.07, 707.07(f) - Answer All Material Traversed).


In view of the claim amendments and remarks in the Amendment After Final of December 5, 2005 and in view of the remarks herein, withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.

CONCLUSION

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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Date: January 17, 2006

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